

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LESLIE JAMES PICKERING,

24-cv-00081-LJV-MJR

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

AFFIDAVIT OF LESLIE JAMES PICKERING

State of New York)
County of Erie)

I, Leslie James Pickering, first being duly sworn, depose and say,

1. I am the Plaintiff in the above-entitled action. This affidavit is submitted in connection with Plaintiff's Reply Memorandum of Law.

3. I am a proprietor of Burning Books, 420 Connecticut Street, Buffalo, New York 14213, a Buffalo bookstore specializing in social justice struggles and state repression, as well as a Political Science Lecturer at Niagara University.

4. I have used the Freedom of Information Act (FOIA) over the past decade to secure records from federal agencies such as the Federal Bureau of Investigation (FBI). See Pickering v. U. S. Department of Justice, 2023 WL 7690818; Pickering v. U. S. Department of Justice, 2021 WL 5810396; Pickering v. U. S. Department of Justice and Department of Homeland Security, 2023 WL 2607299; Pickering v. U. S. Department of Justice and Department of Homeland Security, 2021 WL 9468165; and Pickering and Kelly v. U. S. Department of Justice, 2015 WL 1461106.

5. I first came under scrutiny by various federal, state, and local law enforcement and intelligence agencies in 1997 as a result of a public speech I made in support of Earth Liberation Front (ELF). This harassment and surveillance continued well into the late 2000s. ELF was designated as the FBI's top domestic terrorist priority in 2001, and again in 2002 during a Congressional hearing. In 2005, United States Attorney General Alberto R. Gonzales made ELF the same priority. In January of 2001 and April of 2002, I was subjected to raids at my residence by the FBI's Joint Terrorism Task Force (JTTF).

6. The FBI and several other federal and state law enforcement bodies have targeted me in over three dozen investigations throughout the last 20 years because of my First Amendment protected activities. From January of 2012 through January of 2014, I was the subject of a federal eco-terrorism conspiracy investigation, based solely on my past profiling and false testimony presented by two informants. This investigation was closed by the FBI in 2014, "to ensure preservation of subject's civil liberties."

7. This investigation included a United States Postal Inspection Service (USPIS) mail cover, a cross-country FBI interview with a former personal acquaintance, Secondary Security Screening Selection designation with the Transportation Security Administration (TSA), Spot Check Surveillance, physical surveillance, a federal grand jury subpoena for my personal and business banking records, among other subpoenas and forms of surveillance.

8. Several high-profile national media stories have shed light on details of this situation, including a front-page story in the *New York Times* on July 4, 2013, a feature on *NBC Nightly News* on July 14, 2013, a front-page *Buffalo News* story on May 1, 2013, a *Worcester Telegram* article on November 5, 2015, a KGW Portland News story on September 15, 2016 and others.

9. I have lectured extensively on the known details of this investigation, with presentations held in over a dozen states and six European countries. These include presentations hosted and

sponsored by the National Lawyers Guild, various Bar Associations, and several colleges and universities. I am currently under a publishing contract relating to this investigation.

10. Full release of records maintained by the Central Intelligence Agency (CIA) will not only assist me with my book and lectures but will increase the public's understanding of how the CIA and other federal agencies manage investigations of political dissidents in America.

11. I will make the released CIA records available online as well as by way of articles and presentations.

12. I am particularly interested in receiving copies of records generated by the CIA relating to Form FD-302, dated July 17, 2001. See Dkt. 11-2, p. 5.

13. I secured Form FD-302 dated July 17, 2001 from the FBI via a FOIA case I filed against the United States Department of Justice. See Pickering v. U. S. Department of Justice, 14-cv-330 (W.D.N.Y. May 1, 2014).

14. A description of Form FD-302 (Bates page 13309) may be found in the *Vaughn* Index filed by the FBI in Pickering v. U. S. Department of Justice, 14-cv-330, (W.D.N.Y. Dkt. No. 62-2, p. 622, filed March 17, 2023).

Dated: May 15, 2024

Respectfully submitted,

s/leslie james pickering
Leslie James Pickering

Subscribed and sworn to before me this 15th day of May 2024.

s/michael kuzma
Michael Kuzma
Notary Public – New York
Qualified in Erie County
My Commission Expires August 16, 2025